

district court a libel praying seizure and condemnation of 22 cases of canned peas at New Orleans, La., alleging that they had been shipped in interstate commerce on or about November 28, 1936, by Phillips Sales Co., Inc., from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Glyndon Brand * * * Early June Peas * * * Phillips Sales Co., Inc., Cambridge, Md. U. S. A. Distributors."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On February 25, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27089. Adulteration of sauerkraut. U. S. v. 49 Cartons of Canned Sauerkraut. Default decree of condemnation and destruction. (F. & D. no. 38970. Sample no. 20214-C.)

This product was in part decomposed.

On January 18, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 cartons of canned sauerkraut at Boston, Mass., alleging that it had been shipped in interstate commerce on or about August 15, 1936, by Allen Bros. Canning Co., from Manchester, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cooper Special Brand Sauerkraut Packed for John Cooper, Holcomb, New York."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed or putrid vegetable substance.

On March 29, 1937, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27090. Misbranding of canned peas. U. S. v. 399 Cases of Canned Peas. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 38971. Sample no. 15350-C.)

This case involved canned peas that were substandard because they were not immature, and that were not labeled to indicate that they were substandard.

On January 16, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 399 cases of canned peas at Philadelphia, Pa., alleging that they had been shipped in interstate commerce on or about September 9, 1934, from Whitewater, Wis., by the Humbird Canning Co., of Humbird, Wis., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Rosa Brand Wisconsin Sweet Peas Packed for GF, Philadelphia, Pa. Quality Products"

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature, and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On February 18, 1937, Giacomo Foti, Inc., Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond to be relabeled.

W. R. GREGG, *Acting Secretary of Agriculture.*

27091. Misbranding of canned peas. U. S. v. 498, 295, and 640 Cases of Canned Peas. Consent decrees of condemnation. Product released under bond for relabeling. (F. & D. nos. 38977, 38990, 39167. Sample nos. 17579-C, 17806-C, 17926-C.)

This product fell below the standard established by this Department since the peas were not immature, and it was not labeled to indicate that it was substandard.